

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Case No. 3:24-cv-00783-FDW-DCK

Jameson C., a minor, by next friend)
STEVEN BOLCH, Sara M., Leah M.,)
Harry M., minors, by next friend)
KARDI DANFORTH, Megan S.,)
Chloe S., minors, by next friend)
DARIA BARAZANDEH, Anne W.,)
Justin B., Morgan G., minors, by next)
friend VERONIKA MONTELEONE,)
Sylvia T., minor, by next friend ANNE)
RICHEY, Ava J., minor, by next friend)
KAYLA DEWALD, Alice B., minor,)
by next friend KIMBERLY)
CROTHERS, Rene S., minor, by next)
friend JACKSON ALBERT,)

Plaintiffs,)

v.)

ROY COOPER, in his official capacity)
as the Governor of North Carolina,)
NORTH CAROLINA DEPARTMENT)
OF HEALTH AND HUMAN)
SERVICES, KODY KINSLEY, in his)
official capacity as Director of the)
North Carolina Department of Health)
and Human Services, SUSAN)
OSBORN, in her official capacity as)
Assistant Secretary for County)
Operations of the Division of Social)
Services, MARK PAYNE, as the)
Director of the Division of Health)
Service Regulation, MECKLENBURG)
COUNTY, MECKLENBURG)
DEPARTMENT OF SOCIAL)
SERVICES-YOUTH AND FAMILY)

**DEFENDANT DAVIDSON COUNTY
AND DAVIDSON COUNTY
DEPARTMENT OF SOCIAL
SERVICES' MOTION TO DISMISS**

SERVICES, GASTON COUNTY,)
GASTON COUNTY DEPARTMENT)
OF SOCIAL SERVICES, DAVIDSON)
COUNTY, DAVIDSON COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES, HARNETT COUNTY,)
HARNETT COUNTY DEPARTMENT)
OF SOCIAL SERVICES, RANDOLPH)
COUNTY, RANDOLPH COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES, ROCKINGHAM)
COUNTY, ROCKINGHAM COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES, JOHNSTON COUNTY,)
JOHNSTON COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES,)
)
Defendants.)

NOW COME Defendants Davidson County and Davidson County Department of Social Services (“Moving Defendants”), by and through undersigned counsel and hereby move to dismiss Plaintiff’s First Amended Complaint with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. In support of this Motion, Defendants rely upon the pleadings of record in this action and the Memorandum of Law in Support of Defendants’ Motion to Dismiss submitted contemporaneously herewith.

WHEREFORE, Moving Defendants hereby respectfully request that the Court issue an Order dismissing Plaintiff’s First Amended Complaint in its entirety and with prejudice and that this action be stayed pending the Court’s ruling on Defendant’s Motion to Dismiss.

This the 27th day of January, 2025.

CRANFILL SUMNER LLP

BY: /s/ Patrick H. Flanagan
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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025, I electronically filed the foregoing **MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

CRANFILL SUMNER LLP

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